

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 26, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on February 26, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Mione opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice and Council President Mione.

Also present were: Mayor Robert Kleinberg, Michael Gluck, Esq., Andrew Bayer, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Public Information Report - Public Information Director Susan Levine reported: the Mayor will be meeting with residents of Marlboro Greens, the presentation of "Into the Woods Junior" on Tues., March 2nd & Wed., March 3rd at 8:00pm in the Marlboro Middle School Auditorium on Route 520, CPR courses will be given at the Morganville First Aid Squad on Sat., Feb. 28th & Sat., March 27th. Ms. Levine reminded Council and residents of the "New safe corridors Law" that took effect Feb. 15th, 2004. She concluded by announcing that on Mon., March 1st at 12:00pm Marlboro Township television will be on the air on Cablevision Channel 77. She thanked everyone for their hard work, patience and

support in the development of the state of the art professional broadcast studio.

Councilman Pernice moved that the minutes of January 4th, 15th and 29, 2004 be approved. This motion was seconded by Councilwoman Morelli and the minutes as amended were passed on a roll call vote of 5 - 0.

The following Resolution # 2004-65 (Urging the Governor and State Legislature to Convene a Constitutional Convention to Reform the Property Tax System) was introduced by reference, offered by Council President Mione, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-65

RESOLUTION SUPPORTING SCR-19, ACR-134, S-263 AND A-1786 TO
CALL A CONSTITUTIONAL CONVENTION

WHEREAS, a basic tenet and founding principle of the United States of America hold that the "just powers" of a government rest on "the consent of the governed;" and

WHEREAS, ours has, therefore, been called "a government of the people, by the people and for the people;" and

WHEREAS, the people of this State have reserved to themselves, as part of their intrinsic sovereignty, the right to alter or reform the State Constitution and the statutes when the public good may require it; and

WHEREAS, the current system of property taxation in this State is regressive because it is not based on the ability to pay and is an inordinate burden on citizens and a disincentive to business investment; and

WHEREAS, there is a need to revise and amend the State Constitution and the statutes to lessen the dependence of local government on property taxes, reduce property taxes as a share of overall public revenue, and find alternative means of funding local government services; and

WHEREAS, the Legislature, when considering proposals for broad restructuring of revenue sources, recognizes that there is great political risk in making recommendations which the general public might perceive as increasing taxes; and

WHEREAS, it is, therefore, essential that the citizens of New Jersey are fully engaged in the effort to restructure taxes; and

WHEREAS, the most effective way to have maximum participation is a public vote on whether or not to proceed with a tax reform process and, if this question is approved, another vote by the public to ratify the recommendations for tax reform; and

WHEREAS, the convening of a constitutional convention for the purpose of recommending amendments to the New Jersey Constitution and changes to the statutes is the most appropriate method for building a consensus for, and implementing, reform; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Marlboro that it supports the effort to place before the electorate the question of calling a Constitutional Convention for the purpose of proposing property tax reform, as spelled out in SCR-19, sponsored by Senators John Adler and Fred Madden, and its companion measure, ACR-134, sponsored by Assemblymen Ronald Dancer and Joseph Malone; S-263, sponsored by Senators John Adler and Fred Madden, and its companion measure, A-1786 sponsored by Assemblypersons Joseph Roberts, Linda Greenstein and Alfred Steele; and

BE IT FURTHER RESOLVED, that we do all call on our fellow citizens to inform themselves about this issue, and to join in our efforts to advance the cause of property tax reform, through support for SCR-19, ACR-134, S-263 and A-1786; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted: to our State Legislators and to Governor McGreevey, urging them to act favorably on the Legislation, so that the voters may be able to express their will on Election Day, November 2, 2004; and to the New Jersey State League of Municipalities.

The following Resolution # 2004-66 (Award of Contract - Employee Assistance Program) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Council President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-66

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN STEPHANIE SAMUELS, M.A., MSW, LSW OF THE COUNSELING AND CRITICAL INCIDENT DEBRIEFING CENTER, LLC AND THE TOWNSHIP OF MARLBORO FOR THE PROVISION OF PSYCHOLOGICAL REFERRAL SERVICES THROUGH THE EMPLOYEE ASSISTANCE PROGRAM

WHEREAS, there exists a need for the Township of Marlboro to enter into a contract for the provision of psychological referral services through the Employee Assistance Program, whereby Township of Marlboro employees are given appropriate psychological referrals after an assessment and evaluation and are entitled to three (3) free sessions with the individual referred to; and

WHEREAS, on January 1, 2003, the Township of Marlboro entered into a one (1) year contract with Stephanie Samuels, M.A., MSW, LSW of The Counseling and Critical Incident Debriefing Center, LLC for the provision of said services (the "Contract"); and

WHEREAS, Stephanie Samuels, M.A., MSW, LSW of The Counseling and Critical Incident Debriefing Center, LLC has proposed that said Contract be renewed for an additional one (1) year period at the same fee to the Township of Marlboro of \$25.00 per employee assessed and evaluation; and

WHEREAS, Administration has recommended that the Township of Marlboro renew said Contract in accordance with the proposal submitted by Stephanie Samuels, M.A., MSW, LSW of The Counseling and Critical Incident Debriefing Center, LLC and has advised the Township Council that funding for the Contract is included in the Administration Budget; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Stephanie Samuels, M.A., MSW, LSW of The Counseling and Critical Incident Debriefing Center, LLC and the Township of Marlboro for the provision of psychological referral services through the Employee Assistance Program at a fee of \$25.00 per employee assessed and evaluated to be paid by the Township of Marlboro; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stephanie Samuels, M.A., MSW, LSW of The Counseling and Critical Incident Debriefing Center, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-67 (Award of Contract - Joint Purchase Group Road Materials) was introduced by reference, offered by Council President Mione, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-67

A RESOLUTION APPROVING THE 2004 SCHEDULE OF FEES FOR VARIOUS CONTRACTS FOR ROAD REPAIR AND MAINTENCE MATERIALS

WHEREAS, by Resolution #2002-391 dated November 14, 2002, the Township of Marlboro awarded two (2) year

contracts for road repairs and maintenance materials to various vendors; and

WHEREAS, Administration and the Division of Public Works has recommended that the Township Council approve the 2004 Schedule of Prices for said contracts in accordance with the bid specifications; and

WHEREAS, the Township Council has determined that it is in the best interest of the residents of the Township of Marlboro to approve said 2004 Schedule of Prices.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the 2004 Schedule of Prices attached hereto and made a part hereof is hereby approved as to the contracts for road repair and maintenance materials awarded to the following vendors by Resolution #2002-391:

1. Stavola Asphalt Company, Inc.
2. Walter R. Earle Corporation
3. Trap Rock Industries, Inc.
4. A.E. Stone, Inc.
5. C.J. Hesse, Inc.
6. R.M.V. Land & Livestock South, Inc.
7. Pinnacle Materials, Inc.
8. Oceanport Industries, Inc.
9. Yardville Supply Company

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stavola Asphalt Company, Inc.
- b. Walter R. Earle Corporation
- c. Trap Rock Industries, Inc.
- d. A.E. Stone, Inc.
- e. C.J. Hesse, Inc.
- f. R.M.V. Land & Livestock South, Inc.
- g. Pinnacle Materials, Inc.
- h. Oceanport Industries, Inc.
- i. Yardville Supply Company
- j. Township Administrator
- k. Superintendent of Public Works
- l. Chief Financial Officer
- m. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-68 (Award of State Contract - Emergency Lighting and Sirens for Patrol Cars) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-68

A RESOLUTION AUTHORIZING THE PURCHASE OF EMERGENCY
LIGHTING, SIRENS AND RELATED EQUIPMENT FOR PATROL CARS
UNDER STATE CONTRACT #A46912

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase emergency lighting, sirens and related equipment for eight patrol cars from General Sales Administration T/A Major Police Supply of Kenil, New Jersey under State Contract #A46912 for the amount of \$27,699.52; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide emergency lighting, sirens and related equipment for Police Department patrol cars; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase emergency lighting, sirens and related equipment for eight Police Department patrol cars from General Sales Administration T/A Major Police Supply of Kenil, New Jersey under State Contract #A46912 for the amount of \$27,699.52.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. General Sales Administration T/A Major Police
Supply of Kenvil, New Jersey
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-69 (Change Order #1 - CAD/RMS - mobile Messaging) was introduced by reference, offered by Councilman Pernice, seconded by Councilman Burrows and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-69

A RESOLUTION AUTHORIZING AND APPROVING A CHANGE ORDER
AMENDING THE ORIGINAL CONTRACT BETWEEN THE TOWNSHIP OF
MARLBORO AND CODY COMPUTER SERVICES, INC. TO INCLUDE A
MOBILE MESSAGING FEATURE IN THE COMPUTER AIDED
DISPATCH/RECORDS MANAGEMENT SYSTEM FOR THE POLICE
DEPARTMENT

WHEREAS, by Resolution #2004-37 the Township of Marlboro awarded a contract to Cody Computer Services, Inc. for the provision and installation of a Computer Aided Dispatch/Records Management System for the Marlboro Township Police Department (the "Contract"); and

WHEREAS, the amount of the Contract awarded to Cody Computer Services, Inc. was \$125,760.00; and

WHEREAS, the Police Department has reviewed the Contract specifications and has subsequently determined that a mobile messaging feature needs to be included in the Computer Aided Dispatch/Records Management System in order to allow each unit and the supervisors to view the status of other units listed on duty; and

WHEREAS, the Police Department recommends that the Township Council authorize Change Order #1 to the Contract in the amount of \$1,000.00 for the inclusion of a mobile messaging feature in the Computer Aided Dispatch/Records Management System; and

WHEREAS, approval of Change Order #1 to the Contract increases the amount of the Contract from \$125,760.00 to \$126,760.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that Change Order #1 to amend the amount of the Contract from \$125,760.00 to \$126,760.00, reflecting an increase of \$1,000.00 from the original Contract amount, be and hereby is authorized and approved; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute a Change Order for the aforementioned work to Cody Computer Services, Inc.; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Cody Computer Services, Inc.
- b. Township Police Chief
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck, Walrath and Lanciano, LLP

The following Resolution # 2004-70 (Award of Contract - Hawkins Road Park Improvements) was deleted from the agenda.

The following Resolution # 2004-71 (Authorizing Issuance of One New Plenary Retail Consumption License to AJR) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Burrows passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-71

RESOLUTION OF THE TOWNSHIP OF MARLBORO
AUTHORIZING THE ISSUANCE OF A PLENARY RETAIL CONSUMPTION
LICENSE TO AJR RESTAURANT CORPORATION

WHEREAS, in accordance with the provisions of Resolution #2003-123, the Township of Marlboro authorized the acceptance of bids for one (1) Plenary Retail Consumption License; and

WHEREAS, by Resolution #2003-182, said license was awarded to AJR Restaurant Corporation conditioned upon AJR

Restaurant Corporation's compliance with the Alcoholic Beverage Control Statutes, N.J.S.A. 33:1-1 et seq. and the provisions of Resolution #2003-123 and the approval of the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Township has determined that AJR Restaurant Corporation has satisfied all of the aforementioned conditions established by Resolution #2003-123 and #2003-182, except for the payment of the balance of the bid which is due to the Township by March 1, 2004.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the Clerk of the Township of Marlboro is hereby authorized to issue a Plenary Retail Consumption License to AJR Restaurant Corporation subject to the conditions set forth hereinbelow.

1. Payment of the balance of the bid to the Township by AJR Restaurant Corporation by March 1, 2004 in accordance with the requirement set forth in Resolution #2003-123.
2. That prior to the use of the aforesaid license for the sale, service or consumption of alcoholic beverages on the premises, the licensee notify the Code Enforcement Officer of the Township of Marlboro for the purposes of said officials making an inspection of the premises and a determination of the maximum permitted occupancy of the premises pursuant to applicable Township ordinances.
3. That the licensee comply with the aforesaid maximum occupancy of the premises as determined by the code Enforcement Officer of the Township of Marlboro.
4. Subject to final clearance from all appropriate law enforcement agencies.

BE IT FURTHER RESOLVED that the license issued herewith shall be subject to suspension or revocation for a violation of any of the aforesaid conditions pursuant to N.J.S.A. 33:1-32.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. AJR Restaurant Corporation
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck, Walrath & Lanciano, LLP

The following Resolution # 2004-72 (Emergency Temporary Appropriation) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-72

EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET

WHEREAS, an emergent condition has arisen with respect to appropriation balances remaining in many of the CY 2004 temporary budget appropriations due to delays in the CY 2004 budget process; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2004 pursuant to the provisions of N.J.C.A. 40A 4-20 (Chapter 96, P.L.1951 as amended) including this resolution total \$9,108,447.25 - Current;

NOW THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for each of the accounts listed on the attached.
2. That each said emergency temporary appropriation has been provided for in the CY 2004 budget under the same title as appropriated above.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

EMERGENCY TEMPORARY BUDGET
February 26, 2004

CURRENT:			
Public Information	OE	01-2004-01-118-2-852	5,000.00
Liability Insurance	OE	01-2004-01-210-2-843	10,000.00
Electricity	OE	01-2004-01-430-2-701	10,000.00
Gas - Natural	OE	01-2004-01-446-2-710	12,500.00
Gasoline	OE	01-2004-01-460-2-704	20,000.00
			57,500.00

The following Resolution # 2004-73 (Redemption Tax Sale Certs. - Various) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2004-73

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$43,896.57 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$43,896.57 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
03-1	108/3	Fernwood Funding, LLC	\$4,596.61
	185 Texas Road	92 Main Avenue	
		Wallington, NJ 07057	
03-2	108/7	Hugh McKittrick	607.12
	Texas Road	61 Squankum Road	
		Colts Neck, NJ 07722	
03-57	415/21.31	Richard Simon, Trustee	38,692.84
	87 S. Main Street	P.O. Box 238	
		Northfield, NJ 08225-0238	
TOTAL:			\$43,896.57

At 10:00PM, Council Vice President Denkensohn moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations and litigation. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot. Recess was held, and the executive session commenced at 10:20 PM.

RESOLUTION # 2004-74

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 26th day of February, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, acquisition of property, contract negotiations and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 11:20 pm, Council Vice President Denkensohn moved that the meeting be opened. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:25 pm, Councilman Pernice moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 25, 2004

OFFERED BY: Denkensohn

AYES: 5

SECONDED BY: Morelli

NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JAMES MIONE
COUNCIL PRESIDENT